

REMARKS

Claims 1-9 and 11-14 were pending in this Application. Claims 1-9 and 11-14 were rejected. Claim 1 has been amended. Claim 10 was previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. §103

Claims 1-9 and 11-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,592,181 issued to Khiem V. Cai et al. ("Cai") in view of U.S. Patent 6,091,956 issued to Dennis D. Hollenberg ("Hollenberg"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

According to the amended independent claim 1, the antennas of an antenna array used to detect the direction of movement of a mobile data memory are arranged along the movement path having a fixed reception lobe. This limitation is disclosed in the originally submitted specification on page 8, paragraph [0019] and in Figures 1 and 2. Furthermore, the

claimed method evaluates the field strength of the data signals received by this fixedly installed antennas.

Cai does not disclose such a method. First, Cai discloses two antenna arrays wherein each antenna array is arranged in a movable fashion. See in particular Figure 1 of Cai showing rotation angles β_1 and β_2 . Cai does not evaluate the direction of movement but rather tracks a position. To this end, Cai discloses a much more complex system in which the two antenna arrays can be moved with respect to their reception angle. Thus, the angle of rotation of each antenna array is measured by the Cai system. See Cai, Col. 2, lines 54-55, and Figure 1. Moreover, Cai does not disclose to measure and compare the field strength of the received data signals. On the contrary, Cai discloses to measure the electrical phase of the signals received and convert them to a spatial angle of arrival. See Cai, Col. 2, lines 62-65. The Cai system further converts these spatial angle information in hyperbolas which are then used to determine the position location (X, Y). See Cai, Col. 2, line 65 - Col. 3, line 4. Thus, Cai is using a completely different approach (spatial angle determination) to actually solve a completely different problem (determination of a position).

Thus, Applicant believes that the independent claim 1 is patentable in view of the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim 1. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

Petition for Extension of Time

Applicants submit herewith a Petition for Three-Month Extension of Time, along with a check in the amount of \$1,020.00.

Association of Customer Number and Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be associated with Customer No. **31625**, and direct all correspondence pertaining to this patent application to practitioners at Customer Number **31625**. All telephone calls should be directed to Andreas Grubert at 512.322.2545.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no further fees due at this time, however, the Commissioner is hereby authorized to charge any additional fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,
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Andreas Grubert
Limited Recognition No. L0225
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Date: 5-30-06

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